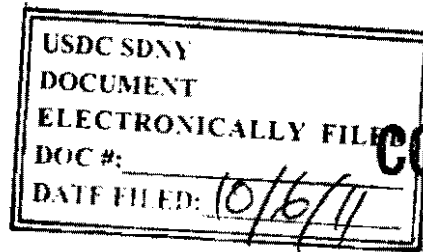


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

John T. Metcalf,

Plaintiff,

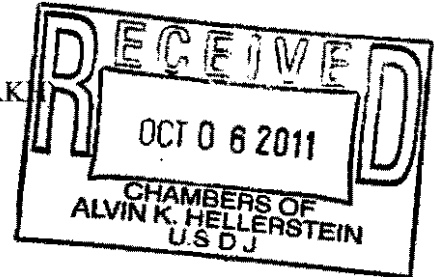
v.

Sophocles N. Zoullas, et al.,

Defendants.

ECF Case

11-cv-03996 (AK)

**PLAINTIFF'S NOTICE OF UNOPPOSED MOTION TO JOIN PARTY PLAINTIFFS**

PLEASE TAKE NOTICE that, pursuant to Rules 20 and 21 of the Federal Rules of Civil Procedure, upon the Memorandum of Law in Support, and the accompanying Declaration and related Exhibits, and upon all prior proceedings and papers filed herein, Plaintiff John T. Metcalf, by his undersigned counsel, will move this Court before the Honorable Alvin K. Hellerstein, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14D, New York, New York, at a time and date convenient for the Court, for an order to join Manny Doppelt and Lawrence Doppelt, Co-Trustees of the Frederick Doppelt Trust, as party plaintiffs and further will seek leave of the Court to file a Complaint reflecting the joinder of the new party plaintiffs (the "Modified Complaint"), with the Modified Complaint being treated as the operative complaint for purposes of Defendants' Motion to Dismiss filed with this Court on September 7, 2011. Defendants have reviewed Plaintiff's motion papers and do not

*Motion granted. Def's consent and the new plaintiffs, by their verifications, consent. An amended complaint shall be filed by Oct. 13, 2011.*  
10-6-11  
*Alvin K. Hellerstein*

oppose Plaintiff's Motion.

Dated: October 5, 2011.

Respectfully submitted,

**CHITWOOD HARLEY HARNES LLP**

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